



## A BILL FOR AN ORDINANCE

RELATING TO AFFORDABLE HOUSING CONDITIONS IN UNILATERAL AGREEMENTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to amend Ordinance 99-51, as amended by Ordinance 01-33 regarding affordable housing conditions in unilateral agreements to change the repeal date.

SECTION 2. Section 6 of Ordinance 99-51, as amended by Section 3 of Ordinance 01-33, is amended to read as follows:

**"SECTION 6. Effective Date; Repeal; Extension of Repeal Date.**

This ordinance shall take effect upon its approval and shall be repealed on [August 5, 2005,] June 30, 2006, provided that the repeal date may be extended as provided herein. Upon the repeal of this ordinance, all affordable housing conditions amended herein shall return to the form in which they existed immediately prior to August 5, 1999; provided, however, that the provisions of this ordinance shall continue to apply to the following affordable housing units owned by declarants:

- (1) Multi-family affordable housing units for which individual sales contracts have been executed prior to the repeal date of this ordinance, provided that the unit must be completed and the sale must close within 90 days after the repeal date; and
- (2) Single-family affordable housing units for which individual sales contracts have been executed prior to the repeal date of this ordinance, provided that the unit must be completed and the sale must close within 90 days after the repeal date.

The department shall submit to the Council, not less than six months prior to [August 5, 2005,] June 30, 2006, a report setting forth information that shall include, but shall not be limited to, the number and locations of the affordable housing units sold under the provisions of this ordinance, and the income levels of buyers who acquired the affordable housing units. The report shall include a recommendation, based on an



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evaluation of this information, on whether the repeal date should be extended for an additional period of time and the recommended period of the extension. In preparing the report, the department may request proponents of an extension to submit to the director of planning and permitting, not less than one (1) year prior to the repeal date, a marketing study of Oahu's need for and ability to sustain new housing units, prepared by a person or firm with statewide reputation and at least 10 years of experience in analyzing real estate markets. The marketing study shall include a statement of assumptions and methodology sufficient to permit independent review of the study by the department and the Council. If the recommendation of the department is to extend the repeal date, the department shall initiate a bill to amend this ordinance to extend the repeal date.

The Council may, in its discretion, and pursuant to a bill initiated by the administration or the Council, amend this ordinance to extend the repeal date as recommended, or for a shorter or longer period as the Council deems appropriate."

SECTION 3. Ordinance material in Section 2 of this ordinance to be repealed is bracketed. New material is underscored.



CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 46 (2005)

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

*Henry S. Sasaki*  
*Scott C. Oshiro*  
*Alan K. Kuyama*

DATE OF INTRODUCTION:

JUN 30 2005

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
MUFI HANNEMANN, Mayor  
City and County of Honolulu

(OCS/061605/ct)

FILED

DATE: 7/6/05 Council Meeting

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

FILED

DATE: 7/6/05 Council Meeting

BILL 46 (2005)

ORDINANCE

Introduced: 6/30/05 By: NESTOR GARCIA

Committee: ZONING

Title: A BILL FOR AN ORDINANCE RELATING TO AFFORDABLE HOUSING CONDITIONS IN UNILATERAL AGREEMENTS.

Links: [Bill 46 \(2005\)](#)

Council	7/6/05	Bill Filed.									
		Apo .....	Y	Cachola .....	Y	Dela Cruz	Y	Djou .....	Y	Garcia .....	Y
		Kobayashi ....	Y	Marshall .....	Y	Okino	Y	Tam .....	Y		
		Apo .....		Cachola .....		Dela Cruz		Djou .....		Garcia .....	
		Kobayashi ....		Marshall .....		Okino		Tam .....			
		Apo .....		Cachola .....		Dela Cruz		Djou .....		Garcia .....	
		Kobayashi ....		Marshall .....		Okino		Tam .....			

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

DENISE C. DE COSTA, CITY CLERK

DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER